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FORD, GERALD R.
KISSINGER, HENRY A.
COLBY, WILLIAM E.
CIA
CHURCH COMMITTEE
SCOWCROFT, BRENT
ASSASSINATIONS, FOREIGN LEADERS
BUCHEN, PHILIP

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P/Intelligence Wtg
 (K, Schlesinger, Lynn, Brooks, 13 Oct 75
 March, Rumsfeld)

S (Argued that Atty Gen't should not oppose ^{NSA} surveillance.)

P In a case of JFK Act 5 (g) (2) (D)

- you sign each one. For NSA, you would sign a good one that it is w/in a law.

L Yes, but I think it should be periodically reviewed.

S Question is whether Atty Gen't should rule on surveillance JFK Act 5 (g) (2) (D) also as

issue of Atty Gen't relying on overseas surveillance.

C The technology is advancing so fast that phone calls could be routed overseas for call b/w Wash & Rich.

L 2nd Circuit has held that overruling an Am. abroad is a violation.

R I would think Pres would want Atty Gen't involved in printing memo - we would know what might come up in a paper.

S The articles in a paper today result from Pres' authority despite ours.

K What is in a paper today results from us during most questionable operations ex. a memo. The paper has got to find we have broken Egyptian code - it has been broken. I think rather than just say a law is passed we should try to elaborate - courts the realities of a world & can not security needs.

L Once history, a corsets are moving, but in a wrong direction. We may be well a statute but we have to be careful about our practices as we keep up in case

P I think trying to get a statute could be a disaster.

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in today's environment. Maybe a start in a year or so, but now will just have to use guidelines.

K Does Ed want to appear very NSA org.

L I think we have to have some guidelines, perhaps a go of incident US traffic overheard.

M We can work out guidelines. I am worried about a Atty Govt being the biggest intel/pic factor anyone.

P We have State, Dep, CIA char exec guidelines and then review it w/ Atty gen.

B Church is ready on assets report. They will let me review a document for security & sensitivity, but not on contents one case. We don't want to get you in position of prep. for a report. They won't let us edit it or append it.

P I guess it's material on basis they would handle it as carefully as we have

Sc If they publish a report at all it is impossible if those things get put out, other officials will stop speaking frankly and foreign govt's will wonder about their ability to work at no confidentiality.

K I think this is a more highly sensitive area than any we have had.

C Any document which officially shows US involvement in assets is a FOIA disaster.

P I never assumed they had a right to publish any of this.

L There is no legal way we can prevent it.

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P: I don't know what the letters of transmittal were, but I said they had to handle these certain documents as we did - and we released more.

M: Once they have a document, a speech & debate clause. In other words, there is no way we can prevent its release.

K: The main element in this investigation is the turning over of documents. During the Earth, etc., there was testimony, but it did not involve all documents withheld.

(More discussion on this point joint)

P: The Earth was warned on a certain date

B: We agreed that we would object to any report but that we would review ~~the~~ a document for most damaging quotations. It was apparent that we wouldn't get a vote in a vote not to publish a report.

M: The Earth has requested us to pass over a third of quotations. We refused to do that except in context.

P: I think we should review it and then say it is not in our interest to release it at all.

Sc: We can send any letter we want following a review.

P: I think we should review w/a tough eye and then say the document shouldn't be released, but if they determined, other ones are more damaging than others.

K: I think we have a problem because either I think we have to form + establish some fences around the issue...as c won't have let the themselves thru open.

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B: All we are fighting is official representation of material which is already widely known. This is not a good issue on what to go to court.

P: I don't want to be any part of their publishing material like this. If they want to do that, it's their responsibility.

B: That is position we have taken.

P: We have to say very strongly we oppose violent but think there are some more damaging than others.

M: Let's get to the other issues.

C: Giscard is receiving a lot of over particularly concerned with making them anti-fascist. They also want to go into sensitive current ops. One of these is Cuba, w/ a possible threat to Kara; Congo, w/ threat to Rhodesia, Laos, Indonesia, Chile.

P: He wants to get into Portugal & Angola. We think he's ~~been~~ ^{been} trying to Portugal. We ~~think~~ ^{think} like & the like on Angola. I think we do but she has 2 questions - was a decision making really seriously done. The other is is ~~the~~ does Angola meet a protection deserted & multifunctional.

P: I think we must insist they should stay away from current ops.

R: If any Comte has right to question a presentation, we are another by-line institution.

C: The second problem is that of trans they have asked

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for all records from station of PernGian, China
ITT & ... If we acknowledge relationship, we will
kill their espionage & our ability to place agents & get
easy. We would profit greatly in the Chinese areas
where there may be a question of independence.

K. We will have a monumental job getting any agency to
drop us in a future.

C. True, but if an allegation of uncooperativeness, we can't very
well defend that.

M. (Use discussion of - Argentin issue)

M. H. (you are right)
K. There is one issue apparently peculiar to State
permitting junior personnel to testify as to policy
recommendation. The damages are that juniors would
use this to get at their seniors who submitted them as
fac contacts because they know them for closeness
they much. To do otherwise would weaken F. S.
This to me is a question of absolute principle. This
lets the South against ^{with} government defend themselves.

L. Before we get into this on motion, I think we should
go through Bryant letter & remove those parts which
do contain names or policy. The Senate has a
strong special charter & I think it is wrong to
disclose ourselves. If it is going into litigation, I think
we should see if we cannot redact a document.

K. The basic point of dissent tomorrow to prove a conspiracy
in actions had a predecision for = illustrate & thus didn't
cost him to a disk effects.

S. Seems to me you are doing, there is a principle
involved - that is, a right of junior officers to get

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to be seen w/o fear of being exposed.

L. You have a strong public position now, but I think it will wither when the latter becomes known, because 90% of a decision is a matter of fact.

Hynes: The question is not one of import - it is long import to let it happen - but what is a legal handle on it. There I think we are weak.

S: Sixth is dep. To the bottom, where a bureaux in addition
w/ long can stymie a leg.

R. I am concerned about - integrity of F.S. It took
over 15 yrs. to recover from the Earth

P. If Boyall was my true testifying what his penit day by day, what would you say?

K. 2D have no prob.

h. ~~This~~ There is no doubt Statis & Sif have performed
poison, but I trying to preserve it for you & that
means is a large one can which holds it.

P: There are 2 issues; one is the sanctity of a dissent channel & ~~sussex~~ a tribe is testifying as to a fact. Hwy says a letter is acceptable. W/ having read a memo, I would say we strengthen our case if we cut out all those material in a memo.

L. I think it is foolish to imagine this case
into what you want it to be. When a document
gets printed in a paper I think you will
wonder whether this is a case or which to make
own case.

In ~~the~~ Spring when hunting you are especially likely that Bryant

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Might apply to others

- P From lawyer's point of view, what do you recommend.
- L Review of a document to discuss parking + restrictions month + give a date what is left, if there is someone administer. There are in a strong position to defend a issue.
- K What is your position about junior officers testifying or opinions.
- L & I don't think - Don't know how you can hold it.
- R You have to defend that on political not legal ground.
- P I think we have a defensible position if we send a cost letter + a junior officer up w/ a division of testimony.
- M I agree w/ Harry's position ~~w/ respect to~~ w/ respect to oversight cont'd. But this is a special entity + memorandum.
- P I think we want a confrontation where we have to w/c public we can win. We ought to find a case which will give us lots of that. How we handle this case ^{right} has to fall w/in those parameters. On witnesses I think we are in a right track + should stand. On motions, I think we should take a look at.
- K Two FSO's have written letters, as have identified people like George Kinnan, etc.
- P Let's see if we can separate fact from division.
- R Except from you initial a dissent principle. Many dissents are base based on a ~~suspicious~~ assumption that they didn't believe facts.
(over)

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Deval Harvard regarding the demand by
providing a summary fit?

L Right back.

K That I would do only in context of saying
these are all contrary views expressed to
me.

P Let's look at all those options & see where we
go.

K If I am ordered to do it, I'll do it, but I
think this is a profound issue of foreign
policy & a foreign terrorist. We are exceeding
to a certain point & causing problems.
frat.

P But entanglement if you get a bad case
& lose it, you have done ~~more~~ damage

K That is true.

P I think we can confront them & win if
we have the right case.

R I think we better off w/ a patched up situation
than a big alienated / other country.

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